

REMARKS

The Office Action mailed January 8, 2007 considered claims 1-20. Claims 1, 2, 3, 5, 7, 8, 10, 11, 12, 13, 14, 16, 18, and 19 were rejected under 35 U.S.C. 102(e) as being anticipated by Tsuchiya (US 2004/0109023) hereinafter *Tsuchiya*. Claims 4 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuchiya* in view of Ham ("Half-Life Gets A Voice") hereinafter *Ham*. Claims 6 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuchiya* in view of Levi et al. (US 2003/0236835) hereinafter *Levi*. Claims 9 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuchiya* in view of Heredia (US 6,241,612) hereinafter *Heredia*.¹

As a preliminary matter, Applicants would like to thank the Examiner for the courtesies extended during the telephonic conversation of February 8, 2007. During that conversation, applicants discussed with the Examiner some of the amendments and arguments included in this response.

By this paper, claims 1, 8, 12 and 19 have been amended, claims 2, 3, 11, 13 and 14 have been cancelled, and new claims 21-24² have been added such that claims 1, 4-10, 12, and 15-25 remain pending, of which claims 1, 10 and 12 are independent claims.

Notably, claim 1 has been amended to include element (d) of now cancelled claim 2, and claim 12 has been amended to include element (d) of now cancelled claim 13. As discussed, and as indicated in the Office Action, no art has been cited for this particular element due to the alternative nature of the preamble such that only elements (a) and (b) of these claims was rejected. Each of the claims now recites "*wherein the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session.*" This is not taught or recited by the art cited in the Office Action.

Rather, Tsuchiya teaches a downward pointing arrow directed to a players object. See Tsuchiya at [0071]-[0072]. However, Tsuchiya does not teach changing the appearance of a visual element that is controlled by the voice speaker in the computing session, as is recited by the present claims.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the new claims can be found throughout the specification, but with particularity at page 16 beginning at line 20.

The remaining art cited in the office action does not compensate for Tschiya. In particular, each of the remaining references is cited to show elements of the dependent claims other than a visual indicator including a change in appearance of a visual element that is controlled by the voice speaker in the computing session.

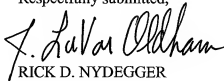
The Examiner's attention is also directed to new claims 21-25, each of which includes subject matter not previously addressed in the previous office actions and which appears to be patentable over the art cited in the Office Action.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 8th day of March, 2007.

Respectfully submitted,



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